

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 952

FINAL READING

Introduced by Lathrop, 12.

Read first time January 14, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to laws; to amend section 81-119, Reissue
2 Revised Statutes of Nebraska, and section 86-2,112,
3 Revised Statutes Cumulative Supplement, 2006; to
4 change provisions relating to investigatory powers of
5 state administrative departments and investigatory and
6 enforcement powers of the Attorney General and county
7 attorneys; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-119, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-119 Each department created by section 81-101 shall
4 have power through its head, or any deputy, assistant, or employee,
5 when authorized by him or her, to make a thorough investigation
6 into all the books, papers, and affairs of any person, firm,
7 or corporation when in the judgment of such department such
8 examination is necessary to the proper performance of its duties
9 and the efficient enforcement of the laws. Such department may
10 subpoena witnesses to attend investigative hearings and have such
11 witnesses bring with them books, accounts, and documents necessary
12 for a thorough investigation. Such witnesses may be examined under
13 oath. These powers shall not be used for criminal investigations.
14 ~~and in so doing to administer oaths and affirmations and to examine~~
15 ~~on oath or affirmation any person, officer, agent or clerk of any~~
16 ~~firm or corporation touching the matters which, in the judgment of~~
17 ~~such department, ought to be inquired into, and to examine and to~~
18 ~~summon, and by attachment compel the attendance of, any person or~~
19 ~~persons in this state to testify under oath before such department~~
20 ~~or its secretary or any deputy, any assistant or employee thereof~~
21 ~~in relation thereto.~~

22 Sec. 2. Section 86-2,112, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 86-2,112 The Attorney General or any county attorney may
25 administer oaths and affirmations, subpoena witnesses, and compel

1 their attendance, take evidence, and require the production of
2 records including books, papers, documents, and tangible things
3 which constitute or contain evidence relevant or material to the
4 investigation or enforcement of the laws of this state ~~pertaini~~
5 ~~to offenses enumerated in section 86-291~~ when it reasonably appears
6 that such action is necessary and proper. The attendance of
7 witnesses and the production of records shall be required from
8 any place within the State of Nebraska. Witnesses summoned by the
9 Attorney General or a county attorney shall be paid the same fees
10 that are paid witnesses in the courts of the State of Nebraska and
11 mileage at the rate provided in section 81-1176.

12 Sec. 3. Original section 81-119, Reissue Revised Statutes
13 of Nebraska, and section 86-2,112, Revised Statutes Cumulative
14 Supplement, 2006, are repealed.